

Appl. No.: 10/500,808

Amdt. Dated January 31, 2006

Response to Office Action Mailed November 1, 2005

## REMARKS:

Applicant appreciates the time and care the examiner has taken in examining the application.

**Interview Summary under 37 CFR §1.113(b).** Applicant thanks examining attorney Nathaniel Chukwurah and supervisory patent examiner John Sipos for conducting a telephonic interview with attorney for Applicant Jane Berman on January 26, 2006. The Section 103(a) rejection of claim 1 in view of the Scheuten patent was discussed. On this point, discussion was had on contents of an informal discussion points document faxed to the examiner on December 23, 2005. No agreement was reached. However, progress was made on the matter of examiner suggestions concerning improvement of clarity of the content of claim 1, and in pointing out to the examiners that the Scheuten reference does not provide that its holder is moveable relative to its clincher unit in response to press contact between the guide surfaces and the staple leg.

**Argument.** Applicant traverses the rejection under Section 103(a) for at least the following reasons. The applicant requests entry of the amendment above to claim 1, to further clarify that the holder is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the guide surface and the leg of the staple when the leg is guided along the guide surface.

Taking into consideration the points raised in the above-referenced interview, it is respectfully submitted that the *Akizawa* reference, again cited in the final Office action, seems to disclose some basic features in claim 1, except for a defining, novel feature of the invention,

namely the "*holder is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the guide surface and the leg of the staple when the leg is guided along the guide surface.*" In the final action, the Examiner cites the *Scheuten* reference for the first time. The Examiner finds that the *Scheuten* reference discloses ... "a moveable clincher holder (24) in clincher unit (3), and capable of being moved through press contact between guide surface and the leg of a staple when staple leg is guided along the guide surface." (Final Office action, p. 2). Applicant submits that this finding is based on a misunderstanding of the contents of the *Scheuten* reference, and that *Scheuten* does not disclose the characteristic feature of the invention, for the following reasons:

(1) THE SCHEUTEN REFERENCE

As disclosed in *Scheuten* at column 4, lines 15 to 28, and best shown in Fig. 1, a holder 24 is structured to move downwardly toward a sheet stack 35 on a collecting station 36 *forcibly* by the rotation of a control cam 12, which moves first slider 5 and its arms 5a and 5b. The holder 24 also is *forcibly* moved upwardly by this mechanism, in a direction in which a staple is driven out (in the direction of arrow "C"), away from the sheet stack 35 (these holder 24 movement directions hereinafter collectively referred to as "vertical directions").

The movement of the holder 24 in *Scheuten* is restricted only to these vertical directions. The holder 24 of *Scheuten* is not moveable in lateral directions, due to its structure wherein the first slider 5 is vertically guided by guide means 15, 16, and wherein lateral movement of the first slider 5 is prohibited by the engagement between arms 5c, 5d and guide means 20, 21, as shown in Fig. 1.

In *Scheuten*, the holder 24 *does not move through press contact between any guide surface and staple leg*; the holder 24 moves due to force applied by the first slider 5 and its arms 5a and 5b, impelled by rotation of control cam 12.

Further, *Scheuten* provides convex curvatures 30c, 31c on the sliding surface of the *bending elements* 30, 31, not on the *holder* as in the instant invention. The convex curvatures 30c, 31c slightly bend the ends of the staple 34, slightly inwardly toward each other.

(2) THE INSTANT INVENTION.

On the other hand, in the instant invention, the holder 130 is mounted in the clincher unit so as to be movable relative to the clincher unit in response to press contact between the holder's guide surfaces 131b, 132b and the leg SI of the staple. As described in the specification, particularly at p. 7, line 13 to p. 8, line 10, and best shown in Fig. 3, press contact between the guide surfaces 131b, 132b and the staple leg SI causes the holder 130 to move in non-vertical directions relative to the clincher unit box 111. In the particular example shown in Fig. 3, the staple leg SI, moving downwardly, contacts guide surface 131b, and the press contact between them causes rightward movement of holder 130, which is movably held within clincher unit box 111.

Thereby, the holder 130 moves so as to properly direct the leg SI of the staple onto the clincher (or more specifically, onto center locations P1, P2 of clinching surfaces 133A, 134A as shown in Fig. 4) to correct any positional deviation between the leg SI of the staple and the clincher, so that defective clinching and buckling of legs of the staple are prevented.

Consider the pressing forces generated when legs SI of a driven-out staple contact with and press the guide surfaces 131b, 132b of the holder 130. Such a pressing force of the leg to the guide surface can be divided into a "first force component" which goes along the inclined guide surface and a "second force component" in a direction perpendicular to the pressing direction of the legs. According to the present invention, the latter (the second force component in a perpendicular direction to the pressing direction) moves the holder 130 *relative to* the clincher unit *in response to press contact* between the guide surface and the leg of the staple when the leg is guided along the guide surface.

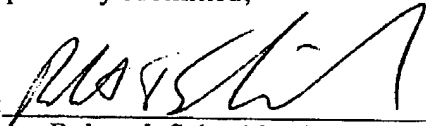
Please note also that the guide surfaces 131b, 132b are formed on the *holder* in the present invention, not on the *clinching surface of the clincher (bending element)* as in the *Scheuten* reference.

**Conclusion.** It is respectfully submitted that the application is in condition for prompt allowance and that all of the objections, rejections and requirements raised in the Office action have been met. Early, favorable treatment of this application is requested.

Authorization is hereby provided to charge any fees associated with this communication, including any outstanding fees for any necessary extension of time, hereby requested, or to credit any overpayment, to Deposit Account No. 50-0305 of Chapman and Cutler LLP.

The examiner is encouraged to telephone the undersigned with any questions or comments so that efforts may be made to resolve any remaining issues.

Respectfully submitted,

By:   
Robert J. Schneider, Reg. No. 27,383

Date: January 31, 2006  
Attorneys for Applicant(s):  
Robert J. Schneider  
Jane S. Berman  
CHAPMAN AND CUTLER LLP  
111 West Monroe Street, 16th Floor  
Chicago, Illinois 60603-4080  
Telephone: 312-845-3919

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

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I hereby certify that the attached correspondence, namely: Response to Final Office Action, was transmitted by facsimile on the date listed above, to the U.S. Patent Office at the facsimile number listed above, under 37 C.F.R. § 1.8.

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